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Groupe d'États contre la corruption

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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

INTERIM COMPLIANCE REPORT

LATVIA

Adopted by GRECO at its 71st Plenary Meeting
(Strasbourg, 14-18 March 2016)

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I. INTRODUCTION

1. [The Fourth Round Evaluation Report on Latvia](#) was adopted at GRECO's 58th Plenary Meeting (7 December 2012) and made public on 17 December 2012, following authorisation by Latvia. GRECO's Fourth Evaluation Round deals with "Corruption Prevention in respect of members of parliament, judges and prosecutors".
2. As required by GRECO's Rules of Procedure, the authorities of Latvia submitted a Situation Report on measures taken to implement the recommendations. GRECO selected the Netherlands and Estonia to appoint rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Anneloes van der ZIJDE, Policy Advisor, Ministry of the Interior and Kingdom Relations, on behalf of the Netherlands, and Ms Kätlin-Chris KRUSMAA, Advisory, Criminal Law Department, Ministry of Justice, on behalf of Estonia. They were assisted by GRECO's Secretariat in drawing up this Report.
3. In the [Compliance Report](#), which was adopted by GRECO at its 67th Plenary Meeting (27 March 2015), it was concluded that Latvia had implemented satisfactorily or dealt with in a satisfactory manner only two of the fourteen recommendations contained in the Fourth Round Evaluation Report. In view of this result, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32, paragraph 2 (i) concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report, and asked the Head of delegation of Latvia to provide a report on the progress in implementing the pending recommendations (i.e. recommendations i to iii, v to vii and ix to xiv) by 30 September 2015. This report was received and complemented by the written submission provided on 4 March 2016. Both served as a basis for the Interim Compliance Report.
4. It is recalled that in the Compliance Report, recommendations iv and viii were considered as implemented satisfactorily. The current [Interim Compliance Report](#) assesses the further implementation of recommendations i to iii, v to vii and ix to xiv since the adoption of the Compliance Report, and provides an overall appraisal of the level of Latvia's compliance with these recommendations.

II. ANALYSIS

General

Recommendation i.

5. *GRECO recommended that measures be taken to strengthen the independence of the Corruption Prevention and Combating Bureau KNAB, thus ensuring that it can exercise its functions in an independent and impartial manner.*
6. GRECO recalls that this recommendation had been considered not implemented in the Compliance Report. The authorities had referred to two different proposals, presented by two Working Groups, concerning the role and functions of the KNAB and the competences, rights and duties of its Head. In line with its previous pronouncements on this issue (i.e. in the framework of the Third Evaluation Round), GRECO had concluded that the on-going reform process must reinforce the position of the KNAB. GRECO had also specifically underlined the need to clarify the supervisory role of the Cabinet of Ministers/the Prime Minister over the KNAB, to better define the procedure for the dismissal of the Head of the KNAB and to review the modalities of formation of the KNAB's budget.

7. The authorities of Latvia now report that amendments to the Law on Corruption Prevention and Combatting Bureau (Law on the KNAB) were rejected by the Government on 1 December 2015. Subsequently, a new set of amendments was prepared by the State Chancellery and submitted to parliament (Saeima) for adoption. The first reading took place on 21 January 2016, the second on 18 February 2016, and the third on 10 March 2016. The amendments will enter into force following their proclamation by the President of Latvia in the Official Gazette. As for the KNAB's core budget, it has increased from 4 773 811 EUR in 2015 to 4 932 713 in 2016 (3,3%).
8. GRECO welcomes the revision of the Law on the KNAB and takes note of the new amendments to this Law, as adopted in the third reading. As for the issues at stake and notably the scope of the supervisory powers of the Cabinet of Ministers/the Prime Minister over the KNAB, GRECO accepts that even though the amendments do not alter the existing system of institutional subordination as defined in Articles 7 and 31 of the State Administration Structure Law which continue to apply to the KNAB as an institution of "direct administration under the institutional supervision of the Cabinet of Ministers", it has been clarified that the powers concerned (the right of the Cabinet of Ministers/Prime Minister to check the legality of decisions, revoke unlawful decisions and issue orders to take a decision in case of unlawful failure to act) do not apply in the context of the core competencies of the KNAB, i.e. investigation of corruption, prevention of conflicts of interest and control of political financing. The Cabinet of Ministers has retained powers solely in connection with the issuance of Bureau regulations, for which a special agreement of the Prime Minister is required.
9. The grounds and procedure for the dismissal of the Head of the KNAB have undergone changes as well. The controversial "unsuitability for the post" has been removed and another questionable ground - the commission of "any infringement of the law or negligence resulting in harmful consequences for the State or a person"¹ - replaced by "the sanctioning of direct violation of the law or negligence" with the same consequences, which does not seem to be problematic. Overall, the grounds for the dismissal have been reduced (from some thirteen in the currently effective Law to five) and defined in a more succinct and unequivocal manner.
10. As for the procedure for dismissal, the Saeima currently takes the decision based on the reasoning of a committee which makes its assessments on the basis of information presented to it by the Prosecutor General or the Prime Minister. While at present the composition of the committee remains undetermined - with the exception that it is to be headed by the Prosecutor General or a chief prosecutor duly authorised by him/her - the amendments propose a composition² that largely mirrors that of a commission which is to be established for the appointment of the Head of the KNAB. Another new element is that the commission's conclusions could be challenged before an administrative district court (whose ruling would be final)³. GRECO regrets that, in contrast to the original draft, the requirement for the Saeima's decision to be taken by an open vote has apparently been rejected

¹ In GRECO's view, such a provision could have been misused for political motives, and might have also impelled the Head of the KNAB to adopt a guarded approach and to restrain his/her action if, for example, the KNAB were dealing with cases involving powerful elected officials, political parties or banking institutions. Moreover, making the Head of the KNAB personally liable for damage, as opposed to the KNAB as an entity, did not appear to be justifiable.

² The committee will be headed by the Prosecutor General and composed of the Director of the State Chancellery, the Director of the Constitution Protection Bureau, the Security Police Chief and not more than three representatives of the Public Advisory Council under the KNAB acting in an advisory capacity. GRECO notes that the participation of the Supreme Court Chief Justice, which was foreseen in the previous draft, is no longer envisaged.

³ It will have jurisdiction of first instance court and adjudicate cases by a panel consisting of three judges.

(GRECO notes that this body has kept the ultimate decision-making powers in connection with dismissal).

11. With regard to budgetary matters, regrettably, the information presented to GRECO does not allow it to underscore any progress. As before, the budget of the KNAB continues to be proposed by the Council of Ministers and decided by the Saeima, i.e. by the same persons that the KNAB might potentially investigate. As for the growth in the KNAB's budget between 2015 and 2016, GRECO notes that, since the inception of the agency, its budget has remained more or less the same⁴. Furthermore, as a consequence of a major reduction in the duties of the Head of the KNAB (from some sixteen at present to four in the most recent draft), s/he appears to be no longer competent "to draft and submit to the Cabinet a project for requesting necessary funding from the State budget" and to act as "a treasurer of financial resources of the Bureau and be responsible for the use thereof" and, based on the information presented, it is not feasible to conclude which body or person has acquired those duties.
12. Last but not least, GRECO's attention is drawn to the change as regards the legal status of officials of the KNAB which even though it had been rejected by the Government, was nevertheless accepted and approved at the stage of the second and third reading in parliament. The related amendments build on three previous rulings of the Constitutional Court⁵ and clearly stipulate that the officials of the KNAB belong to the public service⁶, which eliminates the current inequalities among law enforcement officials.
13. In light of the foregoing, GRECO takes the view that the new amendments to the Law on the KNAB appear to remedy the basic concern underlying this recommendation namely the need to minimise risks of political interference in the KNAB's decision making in the core areas of its mandate. GRECO also welcomes the proposed revised procedure and grounds for the dismissal of the Head of the KNAB, which seems to offer a number of safeguards against potential misuse, including notably recourse to a court before a final decision is made by the Saeima. Yet, given that the modalities for the formation of the KNAB's budget have not been revisited and certain questions arise with regard to the competence of the Head of the Bureau in this area and also bearing in mind that the Law on the KNAB remains to be implemented in practice, this recommendation cannot be considered fully addressed.
14. GRECO concludes that recommendation i has been partly implemented.

Corruption prevention in respect of members of parliament

Recommendation ii.

15. *GRECO recommended the introduction of rules on how Members of Parliament engage with lobbyists and other third parties who seek to influence the legislative process.*
16. Given that the regulation of lobbying remained at a nascent stage, GRECO had concluded in the Compliance Report that this recommendation had not been implemented.

⁴ See e.g. paragraph 78 of the Third Round Evaluation Report on Latvia (Theme II) where it is stated that in 2007 the budget of the KNAB was close to 5 million EUR.

⁵ Cases No. 2003-12-01 and No. 2005-24-01 and the judgment of 8 November 2013.

⁶ GRECO notes that the KNAB is the only law enforcement agency whose employees do not have formal relations with the state but are recruited through labour contracts as is the case in private sector entities.

17. The authorities of Latvia now explain that the process of establishing a regulatory framework on lobbying is still on-going. Instead of developing one consolidated regulatory text, the approach since January 2015 has been to prepare amendments to several legal acts, notably the State Administration Structure Law, the Rules of Procedure of the Saeima and the Code of Ethics for MPs. The proposed amendments to several laws and regulations will be drafted and submitted to a meeting of State Secretaries, according to the established procedure, by the end of March 2016. Additionally, this issue was discussed within the Saeima by the Mandate, Ethics and Submissions Committee on 20 April 2015 and by the Corruption Sub-Committee on 22 May 2015. Both concluded that the regulation of MPs contacts with lobbyists should be introduced only once a definition of lobbying has been agreed upon and incorporated into the State Administration Structure Law. A conceptual agreement has also been reached on amendments to the Saeima's Rules of Procedure to enable the disclosure of lobbyists and of MPs' contacts with them in connection with the legislative process.
18. GRECO regrets that, more than two years after the adoption of the Evaluation Report, MPs' relations with lobbyists and other third parties who might seek to influence the legislative process still remain free from any regulation. It notes that any eventual amendments to the Saeima's Rules of Procedure and to the Code of Conduct for MPs depend on the revision of the State Administration Structure Law. GRECO therefore urges the authorities to carry out the latter reform as soon as possible. Also, while it considers the tentative agreement reached within the Saeima on the disclosure of MPs' contacts with lobbyists in connection with draft legislative to be a promising initial step, further meaningful progress has to be shown in order to attain even partial compliance with the recommendation.
19. GRECO concludes that recommendation ii remains not implemented.

Recommendations iii and v.

20. *GRECO recommended that:*
 - *the Code of Ethics be (i) revised and updated and (ii) complemented with practical measures in order to provide adequate guidance and counselling to members of the Saeima regarding ethical and corruption-prevention related provisions (recommendation iii);*
 - *the mechanisms internal to the Saeima for assuring application of the Code of Ethics, as well as for preventing conflicts of interest, be further developed and articulated with a view to ensuring their proactivity and effectiveness (recommendation v).*
21. GRECO recalls that the two recommendations had been considered not implemented. While both were included in the draft "Guidelines on the Programme for Preventing and Combatting Corruption (2014-2020)", no concrete measures had followed to improve the capacity of the Parliament to self-regulate, to address real and potential conflicts of interest and to sanction breaches of ethical rules.
22. The authorities of Latvia now refer to draft amendments to the Saeima's Rules of Procedure elaborated by the Mandate, Ethics and Submissions Committee which would empower it to investigate violations of the Code of Ethics for MPs *ex officio*. In September 2015, the amendments were transferred to the Legal Committee of the Saeima (which was subsequently given responsibility for further developing them). They were discussed by the Legal Committee on 14 October 2015 and it was decided to establish a working group for further in-depth scrutiny of all suggested amendments to the Rules of Procedure, of which the Code of Ethics forms an

integral part. The working group is expected to meet for the first time on 8 March 2016. Moreover, implementation of this recommendation was included in the "Guidelines for Corruption Prevention and Combatting (Programme) for 2015-2020".

23. GRECO takes note of the information provided. Regarding recommendation (iii), it observes the lack of progress since the adoption of the Compliance Report. Turning to recommendation (v), GRECO stresses its link with recommendation (iii) and recalls its findings, namely that the 2006 Code of Ethics for MPs was *too abstract* and, for this reason, failed to influence decisively deputies' conduct and precluded the proactive oversight of MPs' compliance with it by the Mandate, Ethics and Submissions Committee⁷. In this light, GRECO takes the view that the draft amendments which would empower the Mandate, Ethics and Submissions Committee to inquire into MPs' misconduct *ex officio*, without a written complaint, would represent a positive step in line with the recommendation. However as long as it is merely a draft subject to further extensive discussions within the Saeima's Legal Committee, and tangible steps have not been made to comply with the other elements of the recommendation (effectiveness, prevention of conflicts of interest⁸), specifically by revising the Code of Ethics and other relevant provisions of the Rules of Procedure, GRECO cannot conclude that the various issues at stake have been duly addressed.
24. GRECO concludes that recommendations iii and v remain not implemented.

Recommendation vi.

25. *GRECO recommended that the system of administrative immunities for members of the Saeima be abolished.*
26. This recommendation had been considered not implemented in the Compliance Report.
27. The authorities of Latvia now report that a draft Law on Amendments to the Latvian Constitution suppressing administrative immunity for MPs was approved by the Saeima in the second reading on 13 January 2016 and is expected to enter into force after a third (final) reading later in 2016. Pertinent amendments to the Saeima's Rules of Procedure are being drafted in parallel.
28. GRECO is pleased that, after a prolonged stalemate, the imperative of abolishing the system of administrative immunities for MPs has been acknowledged by the authorities. GRECO is confident that this reform will be brought to a successful completion soon, ridding the relevant supervisory bodies of the need to request the lifting of immunity each time an administrative sanction might be called for (e.g. for an infringement of conflicts of interest or asset declaration rules).
29. GRECO concludes that recommendation vi has been partly implemented.

Corruption prevention in respect of judges

Recommendation vii.

30. *GRECO recommended (i) strengthening the decisive influence of the relevant self-governing judicial bodies (e.g. the Judicial Council and Judicial Qualification Board) in the appointment, reappointment and career progression of the judiciary; and (ii)*

⁷ See paragraph 38 of the Evaluation Report.

⁸ GRECO was informed that, on 29 February 2016, the KNAB had sent to the Saeima its proposed amendments to the Saeima's Rules of Procedure concerning recusal for MPs.

reconsidering the scope of powers held by the Saeima in this area, notably, by restricting it to the confirmation of judicial appointments as recommended by the relevant judicial bodies, with a view to better dispelling the risks of political influence.

31. This recommendation had been considered partly implemented in the Compliance Report. Although the legislative process aimed at extending the powers of the Judicial Council with respect to judges' appointment and career had been launched, a re-consideration of the scope of the constitutional powers held by the Saeima was not initiated at the same time, and the latter retained the final say in the appointment, re-appointment, promotion and dismissal of judges.
32. The authorities of Latvia now report that, on 28 October 2015, amendments to the Law on Judicial Power were submitted to the Saeima but have not yet undergone the first reading. According to these amendments, presidents of district and regional courts would be appointed for a five-year term by the Judicial Council on the proposal of the Minister of Justice. At present, such appointments are made by the Minister in co-ordination with the Council. The Judicial Council would also play a key role in their dismissal and in the dismissal of the Supreme Court Chief Justice. The mandate of the Council would furthermore be expanded to include responsibility for judicial transfers (at all levels), the selection and training of candidate judges (at all levels) and the contents of training programmes for the judiciary. Last but not least, the internal review system within the judiciary would be altered: the Disciplinary Court, composed of six senators of the Supreme Court, will be vested with the right to review *inter alia* the legality of decisions taken by the Judicial Council and the Judicial Qualification Board.⁹
33. GRECO takes note of the planned gradual extension of the powers of the Judicial Council, which would be a welcome development, and notes with satisfaction that the proposed amendments, already brought to its attention at the stage of the Compliance Report, have finally been presented to the parliament. Still, credible efforts remain to be made also with a view to strengthening the decisive influence of the Council in respect of the appointment, re-appointment and dismissal of all categories of judges who are not court presidents and where the Saeima retains its powers (i.e. appointment by the Saeima on the recommendation of the Minister of Justice or of the Supreme Court Chief Justice – cf. Articles 60, 61 and 62 of the Law on Judicial Powers). GRECO therefore reiterates its concerns regarding the risks of political interference in judicial appointments and re-appointments and re-affirms its previous position, namely that both elements of this recommendation remain only partly implemented.
34. GRECO concludes that recommendation vii remains partly implemented.

Recommendation ix.

35. *GRECO recommended that the role and resources of the Commission of Judicial Ethics be strengthened in order to further develop its work, and in particular, to ensure that the Judicial Code of Ethics is updated and that regular guidance on its provisions is dispensed.*
36. It is recalled that, as the announced plans aimed at further strengthening the role of the Judicial Ethics Commission, reviewing the Judicial Code of Ethics, introducing new working methods within the Commission, improving its communication strategy and building up its resources had yet to materialise in practice, this

⁹ At present, the Disciplinary Court only examines the legality of negative opinions issued by the Judicial Qualification Board in the framework of the evaluation of judges' professional activities and it has no competence to review the Judicial Council's decisions.

recommendation had been assessed as partly implemented in the Compliance Report.

37. The authorities of Latvia now report that, as part of a policy planning paper adopted by the Government on 9 March 2015 and entitled "Strengthening the human resources capacity and development of competencies of persons employed in the judiciary and law enforcement for 2015-2020", the Ministry of Justice envisages allocating EU funding for the purpose of updating the Judicial Code of Ethics. To this end, a comparative analysis of codes of ethics from other countries will be carried out and proposals for improving the Judicial Code of Ethics elaborated.
38. As for the operation of the Judicial Ethics Commission, the authorities state that its functionality is fully ensured by the Court Administration. Judges elected as the Commission's members and Chair receive an extra 3% and 5%, respectively, of the monthly salary of a district court judge for every Commission session attended. Since the beginning of 2015, the Commission has produced five proposals and one conclusion. The Code of Ethics will be updated but no substantial changes are expected. The results of the Commission's operation and latest achievements will be discussed at the Conference of Judges in May 2016, when the mandates of several Commission members would expire.
39. GRECO takes note of the information supplied. It regrets that so far no tangible measures have been taken with a view to bolstering the supervisory role of the Commission of Judicial Ethics, increasing its resources and updating the 1995 Judicial Code of Ethics as recommended. Specifically concerning the operation of the Commission of Judicial Ethics, GRECO recalls that during the evaluation visit it was praised for playing a valuable advisory role by interpreting ethics-related provisions mainly in response to queries from individual judges, which was much appreciated due to the fact that several laws and regulations apply and a number of dilemmas arise in particular with regard to judges' recusal - an area identified as a primary source of concern. It was also found that the Commission was under-resourced, those involved did the work in addition to their normal judicial duties, and in this light prioritising the review of the Code of Ethics and the development of relevant guidance for judges proved not feasible.¹⁰ While GRECO is reassured that the Code of Ethics will soon be updated, it reiterates the importance of attributing such material and human resources to the Commission that are commensurate with its role and functions.
40. GRECO concludes that recommendation ix remains partly implemented.

Recommendations x and xiii.

41. *GRECO recommended that the system of administrative immunities for judges (recommendation x) and for prosecutors (recommendation xiii) be abolished.*
42. GRECO recalls that, due to the lack of action on the authorities' part, both recommendations had been considered not implemented in the Compliance Report.
43. The authorities of Latvia refer yet again to the fact that draft amendments to the Law on Judicial Power and to the Law on Prosecutor's Office, which aimed at eliminating administrative immunity for judges and prosecutors were rejected by the Saeima in November 2012, in February 2013 and, most recently, in October 2015 (on the pretext *inter alia* that such immunity did not constitute a real privilege given that judges' and prosecutors' disciplinary liability carries even more severe sanctions). The issue was also discussed at meetings held in 2015 by the Ministry

¹⁰ See paragraphs 107-111 and 147-148 of the Evaluation Report.

of Justice (28 May), the Board of the Association of Judges (7 August) and the Judicial Council (30 August). At the latter two meetings the provisions of the Administrative Violations Code on deprivation of liberty and the concept of "business associate" as provided for in the Law on Prevention of Conflicts of Interest in Activities of Public Officials were identified as obstacles to lifting administrative immunity for judges and prosecutors.

44. GRECO regrets the authorities' reluctance to abolish administrative immunity in respect of the two professional categories which, as stressed before, would help dispel any idea that judges and prosecutors are above the law, and strengthen citizens' confidence in their judiciary. GRECO renews its calls upon the authorities to carry out the necessary reforms as soon as possible.
45. GRECO concludes that recommendations x and xiii remain not implemented.

Recommendation xi.

46. *GRECO recommended that measures be taken to ensure that disciplinary cases concerning improper conduct by judges are decided before the expiry of the statute of limitations, such as extending the time period for imposing sanctions from the date of detection, reassessing the adequacy of the limitation period as a whole, and providing for the interruption or suspension of the period of limitation under specified circumstances.*
47. This recommendation had been assessed as not implemented in the Compliance Report as consideration was still being given to whether to extend the statute of limitation and establish additional grounds for its interruption and suspension.
48. The authorities of Latvia now report that amendments to the Law on Disciplinary Liability of Judges have been drafted and are to be reviewed by the Judicial Council. These extend the statute of limitation for the imposition of a disciplinary sanction from three months after the day of *detection* of an offence to two years after the initiation of a disciplinary procedure in respect of a judge. They also introduce additional grounds for interruption and suspension of the statute of limitation (e.g. temporary incapacity of a judge, his/her temporary absence for justified reasons, a review of a case). The authorities further explain that the revision of the statute of limitation is only one part of a proposed reform of disciplinary liability within the judiciary which includes a plan to introduce a unified appeal instance for all disciplinary cases with respect to officials of the judiciary. The agreement of the Judicial Council to the proposed reform is still pending. In their most recent written submission, the authorities state that, in 2015, the Disciplinary Court detected only one case of a violation of the limitation period and that the review of draft amendments to the Law on Disciplinary Liability of Judges is currently not on the agenda of the Judicial Council.
49. GRECO takes note of the information provided. It considers that the draft amendments to the Law on Disciplinary Liability of Judges, which *inter alia* extend the statute of limitation for the imposition of disciplinary sanctions, appear to be in line with the recommendation. However, as the legislative process is in a fairly early stage, GRECO cannot conclude that this recommendation has been even partly implemented. It therefore calls upon all relevant agencies, including the Judicial Council, to accelerate the reform. As for the reference above to one case only, GRECO takes the view that it is indicative of the rate of compliance with the currently effective rules but does not dissipate the concern underlying this recommendation, i.e. that the three-month time limit for imposing a sanction from the date of detection of a disciplinary offence is far too short and might prevent a judge who is in breach of the rules from being disciplined due to the time-bar.

50. GRECO concludes that recommendation xi remains not implemented.

Recommendation xii.

51. *GRECO recommended i) that professional training on corruption prevention, ethics and integrity is given higher priority within the judiciary, that it is properly funded, and that it forms part of a regular rolling programme for all judges; and (ii) that specific on-going training is developed for court chairs, to better equip them to provide a lead on matters of ethics, conflicts of interest and other integrity and anticorruption matters within their courts.*

52. This recommendation had been considered partly implemented in the Compliance Report as the regular rolling training programme on corruption prevention, ethics and integrity for judges and court chairs had not been implemented in practice.

53. The authorities of Latvia now state that, in 2015, training courses on corruption prevention were attended by 59 judges and 2 candidate judges; moreover, a training event with the same focus was held for court presidents/deputies and attended by 29 of them. In addition, 14 judges were trained on the role of a judge and ethics and similar training is to be delivered in 2016. The authorities also refer to the previously mentioned policy planning paper entitled "Strengthening the human resources capacity and development of competencies of persons employed in the judiciary and law enforcement for 2015-2020" and to the "Guidelines for Corruption Prevention and Combatting (Programme) for 2015-2020". Pursuant to the former, as from the third quarter of 2016, EU funding will be used for the purpose of designing and holding tailor-made training courses for judges and court presidents and developing relevant training methodologies in line with the recommendation. As for the Guidelines, they have taken into account the inherent weaknesses of the present system of anti-corruption training of all public officials, including judges, and propose avenues for improvement, optimisation and greater effectiveness. The two directions to be followed are the development and provision of education and training to new employees, in particular those who are exposed to high corruption risks, as well as having wider recourse to distance learning, including on-line training and testing. Both goals are to be attained by 2020 with the active involvement of the State Administration School, the KNAB and the State Chancellery.

54. GRECO takes note of the information provided, including on general corruption prevention and ethics courses attended by some judges and court presidents in 2015. It also welcomes the prospective launch of a comprehensive training programme within the judiciary as from the second half of 2016. Once launched and progressively implemented, such training would appear to properly address the objective of this recommendation, namely to prioritise professional training on ethics and integrity within the judiciary, including through the means of a *regular rolling programme* for all judges. However, as long as such a programme remains to be designed and delivered in practice, it would be premature to draw a conclusion on the implementation of all elements of this recommendation. The same applies with respect to the on-going training of court presidents and their deputies. In view of the foregoing, GRECO concludes that this recommendation remains only partly implemented.

55. GRECO concludes that recommendation xii remains partly implemented.

Recommendation xiv.

56. *GRECO recommended that training on corruption prevention (including issues of confidentiality and reporting concerns about wrongdoing), ethics and integrity, tailored to prosecutors is given a greater priority and resources such that it forms part of a regular rolling programme.*
57. This recommendation had been considered partly implemented in the Compliance Report. The developments regarding training and transparency in the Prosecution Service had been noted. Nonetheless, GRECO had expressed the opinion that more needed to be done to ensure, as recommended, that corruption prevention, ethics and integrity form part of a regular rolling programme for prosecutors.
58. The authorities of Latvia now report that in April 2015, 19 candidate prosecutors attended a two-day training course on “The role of a prosecutor and ethics” and 120 prosecutors, including 19 candidate prosecutors, attended training on corruption prevention and conflicts of interest. Moreover, as in the case of judges, it is foreseen to allocate EU funding for the purpose of future prosecutorial training and to provide financial support to the Latvian Judicial Training Centre which offers training services also to prosecutors. Last but not least, the gradual reorganisation of the system of anti-corruption training of public officials (cf. paragraph 53) will have consequences also for training within the Prosecution Service.
59. GRECO takes note of the information provided, in particular, that a certain proportion of Latvian prosecutors have attended anti-corruption and ethics-related training. Nevertheless, as in the case of judges, it takes the view that the reported initiatives do not fully meet the goal underlying this recommendation, i.e. the introduction in practice of a regular rolling training programme for all prosecutors on ethics and corruption prevention within their ranks. GRECO is convinced that the launch of a comprehensive training programme - as envisaged for the second half of 2016 - would be beneficial to raising awareness of corruption risks within the Prosecution Service and offer all prosecutors guidance and solutions to ethical dilemmas related to their profession.
60. GRECO concludes that recommendation xiv remains partly implemented.

III. CONCLUSIONS

61. **In view of the above, GRECO concludes that only some minor positive steps have been made by Latvia towards the fulfilment of recommendations found to be not implemented or partly implemented in the Fourth Round Compliance Report. Still, only two of the fourteen recommendations contained in the Fourth Round Evaluation Report have been implemented satisfactorily or dealt with in a satisfactory manner.** Of the remaining recommendations, six have now been partly implemented and six remain not implemented.
62. More specifically, recommendations iv and viii had been implemented satisfactorily at the time of the preceding Compliance Report. Recommendations i, vi, vii, ix, xii and xiv have now been partly implemented and recommendations ii, iii, v, x, xi and xiii remain not implemented.
63. As regards corruption prevention in respect of members of parliament, it would appear that a reflection process has been launched and tentative agreements reached within the Saeima on how to upgrade its integrity tools, regulate contacts

between MPs and lobbyists and abolish the system of administrative immunities for MPs. However, with the exception of the latter initiative, which has already undergone two parliamentary readings, the rest remain at a fairly early stage – notably, the revision of the Code of Ethics for parliamentarians, the introduction of amendments to the Rules of Procedure empowering the Mandate, Ethics and Submissions Committee to investigate violations of the Code of Ethics *ex officio*, and the development of rules on how MPs are to engage with lobbyists and other third parties who might seek to influence the legislative process.

64. Regarding judges and prosecutors, both professional groups have considered abolishing the system of administrative immunities pertaining to their offices but have so far been reluctant to adopt such measures and have taken only preliminary steps for the introduction of regular rolling training programmes on ethics and corruption prevention within their respective ranks. Also, the influence of the Judicial Council on decisions about the appointment, re-appointment and career progression of all judges is yet to be strengthened and credible efforts made to reinforce the role and resources of the Commission of Judicial Ethics and to review the Judicial Code of Conduct. Ensuring that decisions are taken in disciplinary cases concerning improper conduct of judges before the expiry of the statute of limitations is yet another pending matter that calls for immediate action.
65. Turning to the cross-cutting issue of the independence and impartiality of the Corruption Prevention and Combating Bureau (KNAB), GRECO takes the view that the new amendments to the Law on the KNAB appear to minimise the risks of political interference in the KNAB's decision making and safeguard its structural and operational autonomy, which is an essential concern for the entire review system under the Fourth Evaluation Round with regard to corruption prevention in respect of MPs, judges and prosecutors. GRECO also welcomes the proposed modification of the procedure and grounds for the dismissal of the Head of the KNAB, which seems to offer more safeguards against potential misuse. Yet, the proposed amendments are to be implemented in practice and also the existing modalities for the formation of the KNAB's budget (it is still proposed and decided by the same people that the KNAB might potentially investigate), which were identified as constituting an institutional flaw, remain to be redressed.
66. In view of the above, GRECO concludes that the current level of compliance with the recommendations remains "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure.
67. Pursuant to paragraph 2(i) of Rule 32 of the Rules of Procedure, GRECO requests the Head of Delegation of Latvia to provide a report regarding the action taken to implement the pending recommendations (i.e. recommendations i, ii, iii, v, vi, vii, ix, x, xi, xii, xiii and xiv) by 31 March 2017.
68. Moreover, in accordance with Article 32, paragraph 2, sub-paragraph (ii.a), GRECO instructs its President to send a letter – with a copy to the President of the Statutory Committee – to the head of the Latvian delegation, drawing his attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
69. Finally, GRECO invites the authorities of Latvia to translate the report into the national language and to make this translation public.